

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph C. Kurian et al.

Serial No.: 10/533,872

Filed: May 5, 2005

Title: INTELLIGENT DATA MANAGEMENT SYSTEM AND METHOD

Docket No.: 38248

RENEWED PETITION UNDER § 1.47(a)ATTENTION: Office of PCT Legal Administration

Mail Stop PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED
26 JAN 2007
Legal Staff
International Division

Dear Sir:

This communication is in response to the Decision dated June 28, 2006, dismissing the prior-filed Rule 1.47(a) petition in this case. The Decision set a two (2) month period of time to file a renewed petition, which expired August 28, 2006. Accordingly, applicants petition for a one (1) month extension of time up to and including September 28, 2006. A check for \$60 is enclosed to cover the extension-of-time fee.

The prior Rule 1.47(a) petition was dismissed because, the USPTO held, applicants failed to prove the application materials were actually received by the non-signing inventor at his last-known address. It was further held that when silence is sought to be used as evidence of an inventor's refusal to sign, some evidence that the application papers were actually received by that inventor is required.

I hereby certify that this correspondence and all enclosures referred to herein, are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date indicated below.


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Steven J. Solomon

Name of Attorney for Applicant

¹ September 27, 2006 

Date

Signature of Attorney

Unfortunately, because the application materials were sent via registered mail, and required a signature for delivery, they were never left at the delivery address because no one signed for them. During a subsequent telephone conversation with the USPTO, the undersigned was advised to attempt to contact the inventor again, this time by sending the application materials via *regular mail* so that no signature would be required to deliver them. If no reply was received, the renewed petition should be based on an inability to locate the inventor, instead of on the inventor's refusal.

As detailed in the accompanying Declaration of John Harris, a letter enclosing all the application materials was re-sent to the non-signing inventor, Mr. Homayoun Najjaran, at his last-known address by regular mail. Even so, that letter was returned unopened two weeks later. The only logical conclusion from this is that Mr. Najjaran no longer resides at his last-known address, and that he did not leave a forwarding address with the Canadian postal service.

Also detailed in Mr. Harris's declaration, an internet search was performed to attempt to locate Mr. Najjaran. This turned up a second address for Mr. Najjaran, to which a second letter was sent, also enclosing all the application materials. This letter also was returned unopened two weeks later despite requiring no signature for delivery, again indicating Mr. Najjaran does not or no longer reside(s) at the second address.

In view of the facts summarized above, which are set forth in more detail in the Declaration of John Harris submitted herewith, diligent effort has been expended to attempt to locate Mr. Najjaran, to present him a copy of the application, and to request his signature. Despite this effort, he has not been found. Mr. Najjaran is no longer employed with AlphaGlobal IT Inc., the assignee of the present application.

Accordingly, it is respectfully requested the present application be accepted based on the Declaration and Power of Attorney forms executed by five of the six joint inventors that were submitted with the original Rule 1.47(a) petition in this case on February 6, 2006.

The name and last-known address of the sixth inventor who has not joined the application, and who could not be located after diligent effort, are as follows:

Homayoun Najjaran
666 Spadina Avenue, Apt. 409
Toronto, Ontario, M5S 2H8
Canada

If any fees are required by this communication that are not covered by an enclosed check, please charge the same to our Deposit Account No. 16-0820, Order No. 38248.

Respectfully submitted,
PEARNE & GORDON LLP

By: 
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Date: September 27, 2006